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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/031,056	01/15/2002	Mao Uong Neil	RCA 89577	8698

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EXAMINER

CHOWDHURY, SUMAIYA A

ART UNIT	PAPER NUMBER
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2623

MAIL DATE	DELIVERY MODE
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03/24/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/031,056	Applicant(s) NEIL ET AL.	
	Examiner SUMAIYA A. CHOWDHURY	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/11/08 has been entered.

Response to Arguments

2. Applicant's arguments filed 3/11/08 have been fully considered but they are not persuasive.

(a) Applicant argues "Alexander neither discloses nor suggests..." on page 6, 2nd paragraph of the Remarks filed 3/11/08.

Examiner disagrees. The Examiner interprets the Alexander reference as follows. The user initially selects a channel from the channel grid of the EPG which causes the PIP window to display the corresponding program. The user then selects the lock function which locks the PIP window from displaying any other content which the user selects in the EPG. Thereafter, the user clicks on programs on the program grid which have no effect on the video displayed in the PIP window. Afterwards, the user selects the unlock function and then selects a different channel in the channel grid which causes the video in the PIP window to change to the video currently being transmitted on the selected channel.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Alexander (WO 99/04561).

As for claim 1, Alexander teaches a method of processing a program guide, comprising the steps of :

determining whether a channel grid has been highlighted (The processor determines whether the channel grid or program grid has been highlighted and displays the corresponding program in the PIP window accordingly. - p. 12, line 35 – p. 13, line5, p. 3, lines 18-30);

determining whether a program grid has been highlighted (p. 3, lines 18-30);

displaying, in response to the previous determining steps, program content of a program currently being received by a channel indicated by the highlighted channel grid, if a channel grid has been highlighted and

continuing to display the same program content, in response to the previous determining steps, if the cell in the program grid has been highlighted, wherein the

same programming content will continue to be displayed until a different cell corresponding to a different channel in said channel grid is highlighted, where the programming content of a second program is displayed which is currently being received by said different channel corresponding to the different cell that is highlighted (The user initially selects a channel from the channel grid of the EPG which causes the PIP window to display the corresponding program. The user then selects the lock function which locks the PIP window from displaying any other content which the user selects in the EPG. Thereafter, the user clicks on programs on the program grid which have no effect on the video displayed in the PIP window. Afterwards, the user selects the unlock function and then selects a different channel in the channel grid which causes the video in the PIP window to change to the video currently being transmitted on the selected channel. (Fig. 1). [p. 4, lines 11-21, p. 17, lines 24-26])

As for claim 2, Alexander teaches wherein the program content is displayed in a video window (12 – Fig. 1; p. 4, line 5).

As for claims 3 and 8, Alexander teaches wherein the video window or display window (12 – Fig. 1) is shown along with the program guide (22 – Fig. 1; p. 4, lines 3-21).

As for claim 4, Alexander teaches wherein the determining steps are entered into in response to a user selecting a user selectable option (p. 4, lines 11-20).

As for claims 5 and 10, Alexander teaches wherein the channel grid comprises channel name (ABC, FOX, etc. – Fig. 1).

As for claims 6 and 11, Alexander teaches wherein the program grid comprises program title (Prime Time Live – Fig. 1).

As for claim 7, Alexander teaches an apparatus, comprising:

- a user control device (26 – Fig. 1; p. 3, line 18-19);
- a display window for displaying a video program (12 – Fig. 1; p. 4, line 5);
- a control means (processor) for displaying a program guide (22 – Fig. 1); and

wherein the control means providing a first mode of operation in which when a channel grid is highlighted by the user control device, the display window will display program content of a program currently being received by a channel indicated by the highlighted channel grid; and a second mode of operation in which when a program grid is highlighted by the user control device, the program content of the display window does not change, wherein the programming content will continue to be displayed until a different cell corresponding to a different channel in said channel grid is highlighted, where the programming content of a second program is displayed which is currently being received by said different channel corresponding to the different cell that is highlighted (The user initially selects a channel from the channel grid of the EPG which causes the PIP window to display the corresponding program. The user then selects

Art Unit: 2623

the lock function which locks the PIP window from displaying any other content which the user selects in the EPG. Thereafter, the user clicks on programs on the program grid which have no effect on the video displayed in the PIP window. Afterwards, the user selects the unlock function and then selects a different channel in the channel grid which causes the video in the PIP window to change to the video currently being transmitted on the selected channel. (Fig. 1). [p. 4, lines 11-21, p. 17, lines 24-26])

As for claim 9, Alexander teaches the control means enters into the two modes of operation in response to the user control device (p. 4, lines 11-20).

As for claims 12-13, Alexander teaches wherein the cells in the program grid and channel grid are independently selectable (p. 4, lines 11-20, p. 3, lines 22-25).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUMAIYA A. CHOWDHURY whose telephone number is (571)272-8567. The examiner can normally be reached on Mon-Fri, 9-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Chris Kelley/
Supervisory Patent Examiner, Art
Unit 2623

SAC